

Appln No. 09/370,601
Amdt date August 27, 2003
Reply to Office action of August 28, 2003

amendments, Applicant has canceled claim 17, amended claims 2 and 6, and added new claims 54 to 59. The amendments find full support in the original specification, claims and drawings, for example, at page 4, lines 17 to 23, and in FIGs. 1 and 3. No new matter is presented. In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and a timely indication of allowance.

The Examiner maintained the rejection of all of the claims under 35 U.S.C. § 103(a) as allegedly unpatentable over Lorentzen (U.S. Patent No. 5,951,546) in view of Panescu (U.S. Patent No. 6,056,745), and further in view of Ashley (U.S. Patent No. 6,176,857) with respect to claims 5 and 13. Applicant respectfully traverses these rejections.

Despite the Examiner's contentions to the contrary, Applicant still maintains that the combination of Lorentzen and Panescu does not render unpatentable the claimed invention, because the proposed modifications to Lorentzen's device render it unsatisfactory for its intended purpose. The Examiner broadly characterizes Lorentzen's intended purpose as an ablation device using fluid to cool the electrode. Applicant respectfully submits that Lorentzen's intended purpose is cooling the electrode by recirculating cooling fluid within the electrode. Applicant's previous Response (dated May 15, 2003), at pages 2 to 3, cites to several passages in Lorentzen supporting Applicant's characterization of Lorentzen's intended purpose. As not disputed by the Examiner, including irrigation openings in Lorentzen's electrode would destroy the ability of Lorentzen's catheter to recirculate cooling fluid within the electrode. As such, the inclusion of irrigation openings in Lorentzen's electrode would defeat the intended purpose of Lorentzen. For this reason alone, all of the pending claims are patentable over the combination of Lorentzen and Panescu (and optionally Ashley).

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Further, Applicant has amended independent claims 2 and 6 to recite that "the ablation electrode is generally straight and forms an angle α greater than 0° with the remainder of the probe body." This design enhances the ability of the user to push the elongated surface of the ablation electrode against the tissue, particularly when the electrode forms an angle of 90° , as set forth in dependent claims 56 and 59. This design is neither taught nor suggested by the cited references. For this reason as well the claims are allowable over the combination of Lorentzen, Panescu and optionally Ashley. Applicant therefore respectfully requests that the rejection under section 103(a) be withdrawn.

In view of the foregoing amendments and remarks, Applicant respectfully submits that pending claims 2 to 16, 18 to 39, 41 to 49, 51, 52 and 54 to 59 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

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626/795-9900

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